

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:18-cv-00677-TSZ

Friends of the Earth v. U.S. Army Corps of Engineers
Assigned to: Judge Thomas S. Zilly
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2018
Date Terminated: 02/14/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Friends of the Earth
a District of Columbia non-profit corporation

represented by **Paul August Kampmeier**
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V.

Defendant

U.S. Army Corps of Engineers
an agency of the United States of America

represented by **Michelle R. Lambert**
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Date Filed	#	Docket Text
05/10/2018	<u>1</u>	COMPLAINT against defendant(s) U.S. Army Corps of Engineers (Receipt # 0981-5313089), filed by Friends of the Earth. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Kampmeier, Paul) (Entered: 05/10/2018)
05/10/2018	<u>2</u>	CORPORATE DISCLOSURE STATEMENT indicating no Corporate Parents and/or Affiliates. Filed pursuant to Fed.R.Civ.P 7.1. Filed by Friends of the Earth (Kampmeier, Paul) (Entered: 05/10/2018)
05/11/2018		Judge Thomas S. Zilly added. (RE) (Entered: 05/11/2018)
05/11/2018	<u>3</u>	Summons(es) electronically issued as to defendant(s) U.S. Army Corps of Engineers. (RE) (Entered: 05/11/2018)
05/15/2018	<u>4</u>	CERTIFICATE OF SERVICE by Plaintiff Friends of the Earth (Kampmeier, Paul) (Entered: 05/15/2018)
05/25/2018	<u>5</u>	ORDER directing counsel to confer and file a Joint Status Report due by 8/24/2018, by Judge Thomas S. Zilly. (SWT) (Entered: 05/25/2018)

05/29/2018	6	SERVICE OF SUMMONS and Complaint returned executed upon defendant U.S. Army Corps of Engineers on 5/21/2018 (Kampmeier, Paul) (Entered: 05/29/2018)
06/18/2018	7	NOTICE of Appearance by attorney Michelle R. Lambert on behalf of Defendant U.S. Army Corps of Engineers. (Lambert, Michelle) (Entered: 06/18/2018)
06/18/2018	8	ANSWER to 1 Complaint by U.S. Army Corps of Engineers.(Lambert, Michelle) (Entered: 06/18/2018)
07/16/2018	9	NOTICE of Appearance by attorney Brian Alan Knutsen on behalf of Plaintiff Friends of the Earth. (Knutsen, Brian) (Entered: 07/16/2018)
08/02/2018	10	JOINT STATUS REPORT signed by all parties estimated Trial Days: 0. (Kampmeier, Paul) (Entered: 08/02/2018)
08/02/2018	11	Joint Stipulated MOTION <i>for Entry of Order Establishing Briefing Schedule</i> , filed by Plaintiff Friends of the Earth. (Attachments: # 1 Proposed Order) Noting Date 8/2/2018, (Kampmeier, Paul) (Entered: 08/02/2018)
08/03/2018	12	MINUTE ORDER re parties' 10 Joint Status Report. The Court sets the following dates and deadlines: Bench Trial is set for 7/15/2019 before Judge Thomas S. Zilly; Deadline for defendant to file any dispositive motion is 8/24/2018; Agreed pretrial order due 6/20/2019; Trial briefs and proposed findings of fact and conclusions of law due 6/20/2019; Pretrial conference scheduled for 1:30 p.m. on 6/28/2019. The parties' joint motion, docket no. 11 , to establish a briefing schedule for dispositive motions is GRANTED. The dates and deadlines set forth herein are firm and can be changed only by order of the Court. Authorized by Judge Thomas S. Zilly. (TH) (Entered: 08/03/2018)
08/24/2018	13	MOTION for Summary Judgment , filed by Defendant U.S. Army Corps of Engineers. (Attachments: # 1 Proposed Order) Noting Date 10/19/2018, (Lambert, Michelle) (Entered: 08/24/2018)
08/24/2018	14	DECLARATION of Hynes filed by Defendant U.S. Army Corps of Engineers re 13 MOTION for Summary Judgment (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Lambert, Michelle) (Entered: 08/24/2018)
08/24/2018	15	DECLARATION of Martin filed by Defendant U.S. Army Corps of Engineers re 13 MOTION for Summary Judgment (Lambert, Michelle) (Entered: 08/24/2018)
09/06/2018	16	Unopposed MOTION Clarify Scope of Review and Extend Administrative Record Deadlines , filed by Plaintiff Friends of the Earth. (Attachments: # 1 Proposed Order) Noting Date 9/6/2018, (Kampmeier, Paul) (Entered: 09/06/2018)
09/19/2018	17	MINUTE ORDER granting in part and deferring plaintiff's 16 Motion to Clarify Scope of Review and Extend Certain Deadlines; striking deadline for filing administrative record and filing any motion to supplement the administrative record. Authorized by Judge Thomas S. Zilly. (SWT) (Entered: 09/19/2018)
09/21/2018	18	CROSS-MOTION AND RESPONSE re 13 MOTION for Summary Judgment ., filed by Plaintiff Friends of the Earth. Oral Argument Requested. (Attachments: # 1 Proposed Order) Noting Date 10/19/2018, (Kampmeier, Paul) (Entered: 09/21/2018)
09/21/2018	19	DECLARATION of Fred Felleman filed by Plaintiff Friends of the Earth re 18 CROSS-MOTION AND RESPONSE re 13 MOTION for Summary Judgment . (Kampmeier, Paul) (Entered: 09/21/2018)
09/21/2018	20	DECLARATION of Marcelin Kever filed by Plaintiff Friends of the Earth re 18 CROSS-MOTION AND RESPONSE re 13 MOTION for Summary Judgment . (Kampmeier, Paul) (Entered: 09/21/2018)
09/21/2018	21	DECLARATION of Paul Kampmeier filed by Plaintiff Friends of the Earth re 18 CROSS-MOTION AND RESPONSE re 13 MOTION for Summary Judgment . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Kampmeier, Paul) (Entered: 09/21/2018)
10/05/2018	22	REPLY, filed by Defendant U.S. Army Corps of Engineers, TO RESPONSE to 13 MOTION for Summary Judgment (Lambert, Michelle) (Entered: 10/05/2018)
10/05/2018	23	DECLARATION of Martin filed by Defendant U.S. Army Corps of Engineers re 13 MOTION for Summary Judgment (Lambert, Michelle) (Entered: 10/05/2018)
10/19/2018	24	REPLY, filed by Plaintiff Friends of the Earth, TO RESPONSE to 18 CROSS-MOTION AND RESPONSE re 13 MOTION for Summary Judgment . (Kampmeier, Paul) (Entered: 10/19/2018)
01/18/2019	25	NOTICE of Supplemental Authority by Plaintiff Friends of the Earth (Kampmeier, Paul) (Entered: 01/18/2019)

01/30/2019	26	ORDER granting in part plaintiff's 18 Motion for Summary Judgment; granting in part defendant's 13 Motion for Summary Judgment; dismissing Claim 4 of 1 Complaint. Signed by Judge Thomas S. Zilly. (SWT) (Entered: 01/30/2019)
02/14/2019	27	JUDGMENT BY COURT: Plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part. With respect to Claim 1, the Court finds that Defendant the U.S. Army Corps of Engineers did not resolve Plaintiff's FOIA Appeal within the deadline set forth in the FOIA. 5 U.S.C. § 552(a)(6)(A)(ii). The Court further finds that the Corps' delay in resolving Plaintiff's FOIA Appeal warrants summary judgment and declaratory relief in Plaintiff's favor on Claim 1. With respect to Claim 2, the Court GRANTS Plaintiff's Motion for Summary Judgment and Defendant is ORDERED to provide the March 2017 BE to Plaintiff on or before 2/19/2019. Defendant's Motion for Summary Judgment is GRANTED in part. Claim 4 of the Complaint is DISMISSED. (LW) (Entered: 02/14/2019)